

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN MCCULLOM,
Plaintiff,

v.

STEVEN R. BANG, et al.,
Defendants.

No. C 15-03363 HRL (PR)

ORDER OF DISMISSAL

On August 10, 2015, Plaintiff, a California prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (Docket No. 8.) On the same day, Plaintiff filed an in forma pauperis application which was deficient because the attached Certificate of Funds in prisoner's account was not completed and signed by an authorized officer of the institution. (Docket No. 9.) In the interest of justice, the Court sua sponte granted Plaintiff an extension of time to September 28, 2015, to file a complete Certificate of Funds. (Docket No. 10.) The deadline has passed, and Plaintiff has failed to file an complete Certificate of Funds. Accordingly, this action is subject to dismissal for failure to comply with the Court order.

This action is also subject to dismissal pursuant to Northern District Local Rule 3-11, which requires a party proceeding pro se to promptly file a notice of change of

1 address while an action is pending. See L.R. 3-11(a). The Court may, without prejudice,
2 dismiss a complaint when: (1) mail directed to the pro se party by the Court has been
3 returned to the Court as not deliverable, and (2) the Court fails to receive within sixty
4 days of this return a written communication from the pro se party indicating a current
5 address. See L.R. 3-11(b). On September 16, 2015, the Court order granting Plaintiff an
6 extension of time to file a complete Certificate of Funds was returned as undeliverable.
7 (Docket No. 14.) As of the date of this order, Plaintiff has not filed a notice of change of
8 address or submitted any further pleadings in this case. More than sixty days have passed
9 since the mail addressed to Plaintiff was returned as undeliverable. Accordingly, the
10 instant civil rights action is DISMISSED without prejudice pursuant to Rule 3-11 of the
11 Northern District Local Rules.

12 The Clerk shall terminate any pending motions.

13 **IT IS SO ORDERED**

14 DATED: 11/25/16

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16 HOWARD R. LLOYD
17 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Plaintiff,

v.

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Defendants.

Case No. 15-cv-03363-HRL

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 30, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin McCullom ID: AST468
Santa Rita Jail
5325 Broder Blvd.
Dublin, CA 94568

Dated: November 30, 2015

Susan Y. Soong
Clerk, United States District Court

By: 
Patty Cromwell, Deputy Clerk to the
Honorable HOWARD R. LLOYD